

REMARKS

Claims 1-38 remain for consideration in this application. In view of the foregoing amendments and remarks hereunder, the rejections of the last office action are respectfully traversed.

In the Office Action mailed December 9, 2004, claims 1-4, 6-8, 20-23 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Namdari. It was the Examiner's position that Namdari discloses a high protein dough mix for a leavened bakery product comprising 1-40% wheat gluten, which is a wheat protein concentrate.

Further, claims 5, 9-19, 24, and 26-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Namdari in view of Haralampu et al. All of these claims disclose the use of a resistant starch in the dough and bakery product. Namdari does not disclose the use of resistant starch, whereas Haralampu et al. do. It is the Examiner's position that it would have been obvious to add resistant starch as taught by Haralampu et al. to the Namdari dough.

Applicants have amended all of the independent claims of the present application to recite that the wheat protein concentrate products can be any modified wheat protein concentrate other than wheat gluten. Support for this amendment may be found on page 3, lines 11-20 of the present specification which discloses various other wheat protein concentrates that are made by modifying vital wheat gluten. Applicants have attached hereto the Declaration of Dr. Ody Maningat in order to show that wheat gluten exhibits different characteristics from other modified wheat protein concentrates.

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Attached to the Declaration by Dr. Maningat are several product information sheets regarding vital wheat gluten and several specialty wheat protein concentrate products disclosed in the present specification (FP 300, 500, and 600). Several distinctions between vital wheat gluten and these modified specialty wheat protein concentrate products are immediately noticeable. First, wheat gluten comprises about 76.75% protein, whereas the specialty wheat protein concentrate products all comprise more protein (approximately 80% protein). Second, the wetability/dispersibility percentage (after both 30 seconds and 10 minutes) is much higher for the vital wheat gluten than the specialty wheat protein concentrate products. Third, the attached mixographs for the specialty wheat protein products (FP 300, 500, and 600) have much smaller peaks than the mixograph for vital wheat gluten. The mixographs clearly demonstrate that the specialty wheat protein products are more extensible and exhibit less mixing resistance than the vital wheat gluten.

According to the Declaration of Dr. Maningat, these different properties are a direct result of the various manufacturing techniques of the specialty wheat protein concentrate products. These products are all formed by modifying vital wheat gluten by the addition of an ammonia or an organic acid solution thereto. Further modifications may be achieved through the addition of sulfites. It is these extra modifications to the wheat gluten that allow the wheat protein concentrate to become more extensible and give improved mixing properties. Namdari does not teach the use of a modified wheat protein concentrate product as is presently claimed. In view of the Declaration and evidence provided, it is clear that the presently claimed wheat protein concentrate products are different from the wheat gluten recited by Namdari.

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The secondary reference cited by the Examiner, Haralampu et al., does not overcome the shortcomings of Namdari in that Haralampu et al. do not teach any of the specialty wheat protein products that are presently claimed. Haralampu et al. was cited only for its teachings regarding the use of resistant starch. Therefore, Applicants submit that the prior art rejections have been overcome.

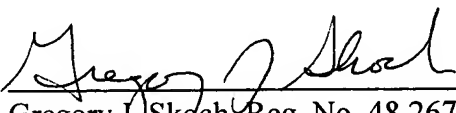
Applicants are also filing concurrently herewith a Supplemental IDS enclosing copies of WO 00/195731, WO 00/195730, and WO 00/193686 for consideration by the Examiner.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

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